

Town of Amherst
Zoning Board of Appeals – Comprehensive Permit
Conditions and waivers

The Amherst Zoning Board of Appeals hereby grants a Comprehensive Permit, ZBA FY2011-00018, for the construction of a 42 unit, affordable rental housing development, consisting of multiple residential buildings, a community building and other site improvements including, but not limited to: a loop access driveway, parking, walkways, landscaping, lighting, and drainage under M.G.L. Chapter 40B (the “Project”), on a 27 +/- acre parcel at the end of Olympia Drive (Map 8D, Parcel 20, R-N Zoning District) (the “Property”), to HAP, Inc. (the “Applicant”), with the following conditions. As used herein, the term “Applicant” refers to the current Applicant and its assignees, successors, affiliates, subsidiaries, or any other entity related thereto. The term “Project Site” refers to the portion of the Property, consisting of 6.29 acres +/- and 7.21 +/-, designated as Parcel 1 and Parcel 2, respectively, on a draft ANR plan entitled “Plan of Land in Amherst, Massachusetts, Prepared for Inhabitants of the Town of Amherst,” prepared by the Berkshire Design Group, Inc., dated 2/13/2006.

Conservation Commission/Stormwater Management

1. The Amherst Conservation Commission shall have approved an Order of Conditions (or DEP shall have approved a Superseding Order) pursuant to the Massachusetts Wetlands Protection Act prior to construction of the Project, and Applicant shall comply with the requirements of said Order of Conditions. If there is any substantial change from the Preliminary Plans to the plans as may be approved by the Conservation Commission or DEP, the amended plans shall be presented to the Board for review at a public meeting, subject to the terms of 760 CMR 56.05(11). Said amended plans shall be accompanied by a letter setting forth any and all changes from the Preliminary Plans.
2. The final stormwater management system shall be subject to review and approval by the Town Engineer. The stormwater management system shall ensure that there shall be no increase in flow above current levels of stormwater from the Project Site onto the abutting properties or public ways, and that the stormwater management system is designed in conformance with the DEP Stormwater Management Standards and technical specifications. All parking areas shall have curbs or be otherwise designed and constructed to prevent stormwater drainage from leaving the Project Site. All stormwater runoff shall be directed to the stormwater drainage system for treatment and attenuation.
3. Permanent markers shall be added to denote the wetlands boundary in the vicinity of the stormwater management basin, subject to the approval of the Conservation Commission.

Site Improvements

4. The Project shall be constructed substantially in accordance with the following Preliminary Plans, stamped approved by the Zoning Board of Appeals on June 15, 2011:
 - a. Site Layout Plan C3,
 - b. Grading Plan C4,
 - c. Utilities Plan C5,
 - d. Erosion Control Plan C6,
 - e. Building A Drawings G1.0A, A1.1A, A1.2A, A2.1A, and A2.2A,
 - f. Building B Drawings G1.0B, A1.1B, A1.2B, A2.1B, and A2.2B,
 - g. Building C Drawings G1.0C, A1.1C, A1.2C, A1.3C, A2.1C, and A2.2C,
 - h. Building D Drawings G1.0D, A1.1D, A1.2D, A1.3D, A2.1D, and A2.2D,

- i. Building E Drawings G1.0E, A1.1E, A2.1E, and A2.2C, and
 - j. Building F Drawings A1.1F,
 - k. Landscape Plan - Trees LP-1,
 - l. Landscape Plan – Ground Plane LP-2
 - m. Lighting Plan SE1.1 & SE1.1P
5. The approved Preliminary Plans may be subject to the following changes/alterations, which shall be deemed to be insubstantial changes:
- a. Insubstantial shifts in building footprints or footprint locations to avoid ledge or other subsurface issues;
 - b. Insubstantial changes in unit square footages or unit layout (without changing the bedroom counts in the units);
 - c. Substitutions of lighting fixtures, other fixtures, equipment, and/or materials having equivalent or better performance;
 - d. Additions to exterior lighting for safety, security or operational reasons, provided that such additions do not increase light levels at the perimeter of the leasehold area;
 - e. Insubstantial shifts in sidewalk, driveway or parking locations for topographic, ledge / subsurface issues, or other reasons;
 - f. Reduction in the number of exterior staircases for easier snow removal;
 - g. Additions to landscape planting at the Project Site perimeter for additional visual or noise screening;
 - h. The addition of a four-foot high chainlink fencing around the stormwater management basin, provided that no fencing is placed within ten feet of the wetlands boundary;
 - i. The addition of any subsurface infiltration system or other stormwater management components and/or revisions to the stormwater management basin that may arise from the Wetlands Protection Act review in connection with the Notice of Intent filed with respect to the Project Site; provided that such additional system and stormwater management components do not fall within the no-work zone provided for in Section IV.G.3 of the Amherst Wetland Protection Bylaw Regulations and that any revisions to the stormwater management basin does not cause it to be closer to the wetlands boundary than shown in the plans submitted with the Application.
6. The following changes listed in the Applicant's Narrative of Plan Modifications, dated April 12, 2011, shall be incorporated into the project and shown on the Final Plans:
- a. Addition of crosswalks and more sidewalks.
 - b. Widening of the central long walks in the common to 8 feet as required by the Amherst Fire Department.
 - c. Relocation and/or addition of fire hydrants as required in the Fire Department's memorandum dated April 8, 2011.
 - d. No parking along the Project Site driveways as required in the Fire Department's memorandum dated April 8, 2011.
 - e. Modification of the first floor half-bathrooms in Building type A to have 36-inch wide doors, wall hung sinks with adequate clearance for wheel chair approach, and adequate clearance by toilets for wheel chair approach.
 - f. Creation of two additional hearing-impaired units, to create a total of three, distributed into a 1-bedroom, 2-bedroom and 3-bedroom unit.
 - g. Addition to the Preliminary Management Plan of a requirement to promptly remove snow on the walks between the accessible units and the accessible parking spaces.

- h. Widening of the striped loading areas of all five accessible parking spaces to eight feet to accommodate accessible vans.
 - i. Revision of the Community Building layout to allow for a laundry room with accessible washers, dryers and folding countertops.
 - j. Addition of the emergency generator for the sewage pumping station outside next to the sewage pumping station; said generator to have a sound-attenuating all-weather enclosure.
 - k. Final location of the community mailbox.
7. Certain infrastructure development activities on the Project Site are to be undertaken by the Town. Those activities by the Town are permitted under, and covered by, the applicable permission, conditions and/or waivers of this Comprehensive Permit. Activities include, but are not limited to, allowing the Town to engage in cutting, clearing, grading or doing other infrastructure development activity within the thirty-foot wetlands no-work zone regulated by the Amherst Wetland Protection Bylaw Regulations, covered under the waiver herein, in the area of or near the Applicant's proposed storm water management basin, up to ten feet from the wetlands boundary in that location.
 8. The Applicant shall comply with Mass. Gen. Laws Ch. 9, § 27C and/or other applicable law with respect to the discovery of unmarked human burials or other archeological artifacts during excavation or construction and any consequent required site evaluation by the state archeologist.
 9. Playground equipment shall be accessible to mobility-impaired children pursuant to the requirements of the Massachusetts Architectural Access Board (MAAB).
 10. The Town Engineer shall inspect the construction of the internal driveways and paved areas for conformance with the Final Site Plans.
 11. No Certificate of Occupancy shall be issued for the final three buildings until (1) the final topcoat of paving for all roadway, sidewalks and berms has been completed; and (2) all other Infrastructure work as shown on the Final Site Plans, as approved by the Town Engineer, has been constructed or installed so as to adequately serve all Buildings.
 12. Prior to starting any activity authorized by this Permit, the Applicant, or the Town as the case may be, shall provide the Building Commissioner the name, address and business telephone number of the individual who shall be responsible for all activities on the property. Additionally, the Applicant, or the Town as the case may be, and general contractor shall meet with the Building Commissioner and the Town Engineer to review this Decision in order to establish a construction phasing schedule. The Project engineer, during the site development phase of the project, shall visit the site for all necessary as-built inspections, and shall provide reports to the Building Commissioner and the Town Engineer to advise of status of the work, erosion control measure and any special circumstances which may arise.
 13. Within ninety (90) days following completion of construction of the Project, the Applicant shall submit to the Building Inspector and the Town Engineer two sets of As-Built Plans, or their equivalent, showing the location of all buildings and structures, roadways, utilities, and drainage facilities.

Landscaping

14. Landscaping shall be maintained by the Applicant during the term of the Ground Lease. The same or comparable species shall be used to replace any dead or ailing plants that are removed from the landscaped plantings.
15. Only native species shall be planted for the landscaping.
16. All substantial landscaping shall be installed within one (1) planting season after the issuance of the final Certificate of Occupancy.

Parking

17. There shall be a minimum of eight parking spaces (seven standard spaces and one van accessible space) reserved and/or available for use at the Community Building. These spaces are depicted on the Preliminary Site Plan as being located on the south side of the Community Building.
18. The Applicant shall cooperate with the Town in its efforts to arrange trailhead parking for the Bozzo Trail in the gravel parking lot on the western end of the Project Site, subject to provisions of the planned lease of the entire Project Site to the Applicant.

Management

19. The Project shall be managed substantially in accordance with the Preliminary Draft Management Plan submitted in the Application as Attachment I, subject to changes required by the Project's funders or by law.
20. The Project is a private development. As such, the Applicant shall be responsible for the operation, repair, and maintenance of all common facilities and services within the Project Site, including, but not limited to, driveways and parking areas, stormwater management facilities, landscaping, snow and ice removal, trash pickup and recycling, street lighting, and utilities. The Applicant is not required to maintain those portions of the Bozzo Trail and any trailhead parking within the Project Site for which the Town retains responsibility under the terms of the Ground Lease between the Town and the Applicant. (See Condition # 32)
21. Hours stating when the Project's property manager will be on-site shall be posted at the Community Building and the tenants shall be kept informed of any schedule changes. A 24-hour/day, 7 day/week emergency answering service shall be available for tenant calls.
22. The Community Building shall be used only for activities principally of interest to, or for the benefit of, the residents of Olympia Oaks and their guests.

Eligibility/Funding

23. During the term of the Ground Lease all units in this project shall be rented to households earning no more than 80% of the Springfield Metropolitan Statistical Area median income, adjusted for family size (AMI), or such other criteria as the Department of Housing and Community Development of the Commonwealth, the Department of Housing and Urban Development, or such other applicable agencies may impose from time to time as the definition of affordability for Amherst.
24. The Applicant shall record a Use Restriction in the Hampshire County Registry of Deeds with respect to the affordability of the Project, and the tenant income limitations imposed, in a form consistent with Department of Housing and Community Development guidelines. Such income limitations shall be at least as restrictive as the "no more than eighty percent (80%) of the Springfield Metropolitan Statistical Area median income". The Applicant may impose income limitations more restrictive than this 80% AMI limitation on any or all of the units in the Project.

25. The Applicant shall assist the Town in preparing any and all documents that may be required by the Massachusetts Department of Housing and Community Development to include the units in the Project in the Town's Subsidized Housing Inventory.
26. Up to a 70% local preference for Amherst residents and persons who work in Amherst will be provided in the rental of the Project units for the term of the Project Site lease, to the extent permissible under law and allowed by the Project's funding sources. See the DHCD "Affirmative Fair Housing Marketing Plan Guidelines".
27. This Comprehensive Permit shall be assignable by the Applicant to a limited partnership or limited liability company (the "Assignee"), to be established by the Applicant and authorized by the Project funding sources, to be the ground lease tenant for the Project Site, owner of the Project improvements, and/or the housing tax credit vehicle for the Project's development. Upon any such Assignment, the responsibilities and rights of the Applicant provided for herein shall transfer to the Assignee. The ZBA shall be notified in writing of any such Assignment for its records.

Signs

28. A sign plan, indicating size, color, lettering and material for any monument sign or similar sign no larger than 20 square feet identifying the name of the development, such as permanent welcome sign, shall be presented to the Zoning Board of Appeals at a public meeting prior to installation.
29. All street signs and other similar signs shall be installed in accordance with the requirements of the Department of Public Works.
30. All applicable address and/or unit identification signs shall consist of a reflective material to be easily visible for residents and emergency personnel.

General/Other

31. Prior to the issuance of a building permit for the first unit, a final set of plans (the "Final Plans") (i.e. final versions of the set of Preliminary Plans approved as part of this permit) shall be provided to the Zoning Board of Appeals at a public meeting for record keeping purposes. Prior to submission to the Zoning Board of Appeals, the Final Plans shall be reviewed by the Building Commissioner and Town Engineer for a determination that the plans meet the requirements of this permit and that any changes from the Preliminary Plans do not constitute substantial changes requiring a modification of this permit. Plans and documentation required by or referenced in the Order of Conditions, such as drainage calculations, a stormwater management plan, and a stormwater operation and maintenance plan, shall also be provided to the Zoning Board of Appeals for its records.
32. The Applicant shall not prevent the reasonable public use of the Bozzo Trail through the Project Site, as such trail may have been rerouted around the Project; provided, however, that the Town shall be responsible for maintenance of the appropriate portions of said Trail under the terms of the Ground Lease between the Town and the Applicant. The Town is responsible for the unpaved portions, such as periodically cutting back encroaching vegetation and re-marking the Trail. The Applicant is responsible for the paved portions of the trail.
33. If construction authorized by this Comprehensive Permit has not begun within three years of the date on which said permit becomes final except for good cause, said permit shall lapse, unless extended by the Board.

Waivers

34. The Board grants the following waivers from local requirements for the construction and operation of the Project. All local requirements that are not waived shall be enforced in their entirety. Permit and inspectional fees have not been waived. Any subsequent revisions to the Preliminary Plans that require additional or more expansive waivers must be approved by the Board in accordance with 760 CMR 56.05(11):

Amherst Zoning Bylaw Section	Requirement	Waiver granted
Section 3.322	No townhouses in the R-N Zoning District	To allow townhouses in the R-N Zoning District
Section 3.323	No apartments in the R-N Zoning District	To allow apartments in the R-N Zoning District
Section 3.01	Only one principal use per lot	To allow multiple principal uses, including townhouses and apartments and allow more than one dwelling on a single lot
Table 3	Dimensional regulation: 120 feet of road frontage	To allow the development on a lot with no frontage
Section 5.10*	Special Permit for raising the grade 5,000 square feet in area more than 2 feet, or 2,000 square feet in area more than 5 feet	To allow for filling and/or removal of earth to the extent required to conform to the grading plan approved by the Town Engineer
Section 7.000	84 parking spaces (2 parking spaces per unit)	To allow the development with only 75 parking spaces
Section 7.110	Parking areas greater than 10 spaces requires 10% landscaped open space	To allow the parking areas to not have 10% landscaped open space
Section 8.100	One sign not over two square feet for each household and not larger than eight square feet	To allow for larger project name sign and temporary project sign and to allow for other signage in the aggregate totaling more than eight square feet.
Section 8.103	Sign height shall not exceed four feet in height	To allow sign heights to be up to ten feet above grade or taller
Section 8.27*	Free standing or monument sign located within landscaped area at least 150% of sign size	To allow free standing sign or monument sign without any formal landscaping
Section IV.G.3 (Amherst Wetland Bylaw)	30 foot no-work distance from resource area	To allow the construction of a stormwater management basin within 10 feet of a resource area
*Waivers requested during public hearings		

Town of Amherst
Zoning Board of Appeals- Comprehensive Permit
Summary of submissions, proceedings, findings and action

Applicant: HAP, Inc.
 322 Main Street, Suite 1
 Springfield, MA 01105-2403

Property owner: Town of Amherst
 4 Boltwood Avenue,
 Amherst, MA 01002

Date application filed with the Town Clerk: February 1, 2011

Nature of request: For a Comprehensive Permit (Chapter 40B) for the new construction of a 42 unit, affordable rental housing development, consisting of multiple residential buildings, a community building and other site improvements including, but not limited to: a loop road, parking, walkways, landscaping, lighting, and drainage under M.G.L. Chapter 40B

Address: A 27 +/- acre property at the end of Olympia Drive (Map 8D, Parcel 20, R-N Zoning District)

Legal notice: Published on February 2, 2011 and February 9, 2011 in the Daily Hampshire Gazette and sent to abutters on February 1, 2011

Board members: Tom Simpson, Barbara Ford, Hilda Greenbaum

Staff members: Jeff Bagg, Senior Planner and Bonita Weeks, Building Commissioner
 John Goldrosen, Town Counsel

Submissions:

The following information was submitted as part of, or in connection with the application:

Cover letter - List of attachments	Attachment G - Preliminary Development schedule
Attachment A - Application	Attachment H - Table of Zoning (and other) waivers
Attachment B - Project Summary	Attachment I - Management Plan
Attachment C - Abutter's list	Attachment J - Draft lease
Attachment D - Fee (no link)	Attachment K - Project locus map
Attachment E - Plans - Disclaimer	Attachment L - Project Eligibility Letter
Attachment E, 1 - Master cover sheet	Attachment M - Non-profit status
Attachment E, 2 - Site, Grading & Utility plans	Attachment N - Applicant site control (LDA, 11/11/10)
Attachment E, 3 - Landscaping plan	Attachment O - Preferred developer award
Attachment E, 4 - Lighting plan	Attachment P - Draft ANR plan
Attachment E, 4, a - Lighting fixture detail	
Attachment E, 5 - Building A, elevations & floor plans	
Attachment E, 6 - Building B, elevations & floor plans	
Attachment E, 7 - Building C, elevations & floor plans	
Attachment E, 8 - Building D, elevations & floor plans	
Attachment E, 9 - Building E & F, elevations & floor plans	
Attachment F - Traffic impact study	

1. Town Engineer email, 4/14/11
2. Kopelman & Paige, sample conditions 4/14/11
3. Pat Wagner & Barbara Mitchell letter, 4/13/11
4. HAP's draft conditions, revised draft conditions, 4/12/11
5. Committee on Homelessness Memorandum, 4/12/11
6. Louis Gallinaro (Teagno Construction) letter, 4/11/11
7. Fire Department letter, 4/8/11
8. Tom Plaut email, 4/8/11
9. John Goldrosen email, 4/7/11
10. Town Engineer letter, 4/7/11 (replaces 4/5/11 letter)
11. Wetland Administrator email, 4/7/11
12. Master Plan review, 4/6/11
13. Rudy Perkins email (parking), 4/6/11
14. HAP's draft conditions, 4/6/11
15. Audrey Child email, 4/5/11
16. Wetland Administrator email, 4/4/11
17. Not Bread Alone, letter 3/25/11
18. Fire Department letter, 3/24/11
19. Select Board letter, 3/24/11
20. Housing Needs Assessment, December 2010
21. Design Review Board Memorandum, 3/24/11
22. Disability Access Advisory Committee Memorandum, 3/24/11
23. Historical Commission Memorandum, 3/24/11
24. Housing Partnership/Fair Housing Committee Memorandum, 3/24/11
25. Community Development Committee Memorandum, 3/24/11
26. Kopelman & Paige, John Goldrosen Memorandum, 3/22/11
27. HAP, Rudy Perkins Letter, 3/22/11
28. Request for Proposal (copy)
29. Project Application Report (#2), 3/18/11
30. Town GIS vicinity map, 3/18/11
31. Town GIS site aerial map, 3/18/11
32. Planning Board letter, 3/16/11
33. Square footage by Unit & Building Type, submitted by applicant, 2/17/11
34. Jay Levy, 34 Logtown Road, letter, 2/24/11
35. William Gillen, letter, 2/23/11
36. Peter Jessop, Community Preservation Act Committee letter, 2/17/11
37. Amherst Housing Authority letter, 2/17/11
38. Stephan Rogers letter, 2/16/11
39. Amherst Survival Center letter, 2/15/11
40. Power Point presentation, Aelan Teirney, 2/17/11
41. Project Application Report (#1), 2/17/11
42. Summary of Procedures under 40B, Kopelman and Paige, 2/1/11

Site Visit: February 15, 2011

Tom Simpson, Barbara Ford and Hilda Greenbaum met the applicant, Rudy Perkins, and Chris Stidsen, P.E., and Tom Hogan, P.E. on-site. The following was observed:

- The location of the Project Site at the terminus of the eastern spur of Authority Way and Olympia Drive;
- The existing gravel lot adjacent to, and partially on, the Project Site;
- The location of the fraternity property adjacent to the west edge of the Project Site;
- The Board observed portions of the Project Site from the southern section of the Gerald Bozzo Trail. From the trail, the approximate locations of the exiting loop of the internal roadway, Community Building, townhouse buildings (Building A) and the common area/playground were noted.
- The general topography of the Project Site sloping east was noted.
- The approximate locations of the boundary between Parcel 1 and 2, nature path, and detention basin were observed.

Public Hearing: February 17, 2011

The following is a list of representatives who spoke on behalf of the applicant, HAP Inc., during the proceedings:

- Rudy Perkins, Project Manager, HAP Inc. (d/b/a HAP Housing)
- David Bloomberg, Esq., Burrows, Weiss and Bloomberg
- Aelan Tierney, AIA, Kuhn Riddle Architects
- Chris Stidsen, P.E., & Tom Hogan, P.E., Doucet & Associates, Inc.
- Charles Roberts, Owner/Principal, Kuhn Riddle Architects
- Michelle McAdaragh, Director of Real Estate Development, HAP Housing
- Faith Williams, Director of Property Management, HAP Housing
- Patrick McCarthy, Project Manager, Valley CDC
- Joanne Campbell, Executive Director, Valley CDC

Attorney Goldrosen provided a review of the Comprehensive Permit process which included the following key points:

- The 40B regulations streamline the permitting process by consolidating jurisdiction over all local permits with the Zoning Board of Appeals. The process requires the Zoning Board of Appeals to balance local concerns with the regional need for affordable housing and allows for the granting of waivers from local bylaws. Some of these concerns include protecting the health and safety of the occupants of the project or the town, protecting the natural environment, promoting better building and site design relative to surroundings, and preservation of open space.
- A 40B application requires a minimum of 25% of the units to be affordable.
- Many of the financial aspects, both of the project and the applicant, are reviewed by State agencies and are outside the purview of the Zoning Board of Appeals.
- The level of detail for plans is less than for other processes, such as with a Special Permit. This allows for the engineering drawings to be prepared after there is consensus on a project and a subsequent approval.
- The vote for approval is a majority, rather than a unanimous vote, such as with a Special Permit.

Using a Power Point presentation of the project, the applicant described the materials in the application:

- The development team consists of HAP Housing (Lead Agency) and Valley CDC (a local non-profit housing organization), both of which will have an ownership interest in the property improvements and will lease the Project Site from the Town.

The following history for the Property and Project was provided:

- 1987: The 27 acre parcel was purchased by the Town for conservation and affordable housing purposes.
- 2004: The Town and Amherst Housing Partnership/Fair Housing (HP/FH) Committee began new plans for developing the site.
- 2005: The land was rezoned from Fraternity Residential to Neighborhood Residential by Amherst Town Meeting allowing more flexible neighborhood development.
- 2009: The Town hired Kuhn Riddle Architects to work with the Amherst HP/FH Committee to prepare a feasibility study reviewing options for affordable housing. The study determined the best use was rental housing.

- May 2010: Town Meeting voted to authorize leasing of the land for affordable housing purposes.
- June 2010: The Town issued a Request for Proposals (RFP) for the development of the site that anticipated the proposer could obtain a Comprehensive Permit.
- July 2010: The Town chose HAP Housing and Valley CDC as the developers of affordable housing on the site.

The Project was described generally as follows (see submitted plans and conditions of this permit for additional details):

- The Project Site at the end of Olympia Drive is proposed to be developed as a two loop drive with travel in one direction; one major loop to serve the housing units and a smaller loop drive around the community building.
- Five townhouse and 6 triplex buildings containing a total of forty-two units will be built. All units will be subject to a restriction maintaining their affordability for 99 years pursuant to the Department of Housing and Community Development requirements, and are to be included in the Town's Subsidized Housing Inventory.
- The Project Site is developed along two axes. The north-south axis is a common green space that includes a central playground and is bordered by four (4) of the townhouse buildings. The east-west axis is a path that runs from the community building through the central playground and community gardens and connects with the existing nature trail on Project Site. The triplex buildings and one townhouse building border the loop road.
- The Project includes a stormwater management basin located along the boundary between Parcels 1 and 2. A pump house will bring wastewater to the existing sewer system on Olympia Drive.

The units would be a mix of one, two & three bedroom units within 11 buildings, as follows:

Building Type	Unit Type	Size (sq. ft.)	Units per Building	Total Units	Notes
Building "A" 5 unit townhouses (4 buildings)	1 bedroom	670	2	8	Flat - Accessible/adaptable
	2 bedroom	1010	2	8	Townhouse
	3 bedroom	1120	1	4	Townhouse
Building "B" 4 unit townhouses (1 building)	2 bedroom	1010	3	3	Townhouse
	2 bedroom	1085	1	1	First Floor bedroom
Building "C" 3 unit triplex (3 buildings)	3 bedroom	1028	1	3	Townhouse
	3 bedroom	1028	1	3	Townhouse
	3 bedroom	1152	1	3	Flat - Accessible/adaptable
Building "D" 3 unit triplex (3 buildings)	2 bedroom	995	1	3	Townhouse
	2 bedroom	995	1	3	Townhouse
	2 bedroom	1037	1	3	Flat - Accessible/adaptable
				42	Total Units
Building "E"	Community Building				Mailroom, manager's office, Community room

The following waivers are requested as part of the application:

Amherst Zoning Bylaw Section	Requirement	Waiver Requested
Section 3.322	No townhouses in the R-N Zoning District	To allow townhouses in the R-N Zoning District
Section 3.323	No apartments in the R-N Zoning District	To allow apartments in the R-N Zoning District
Section 3.01	Only one principal use per lot	To allow multiple principal uses, including townhouses and apartments and allow more than one dwelling on a single lot
Table 3	Dimensional regulation: 120 feet of road frontage	To allow the development on a lot with no frontage
Section 5.10*	Special Permit for raising the grade 5,000 square feet in area more than 2 feet, or 2,000 square feet in area more than 5 feet	To allow for filling and/or removal of earth to the extent required to conform to the grading plan approved by the Town Engineer
Section 7.000	84 parking spaces (2 parking spaces per unit)	To allow the development with only 75 parking spaces
Section 7.110	Parking areas greater than 10 spaces requires 10% landscaped open space	To allow the parking areas to not have 10% landscaped open space
Section 8.100	One sign not over two square feet for each household and not larger than eight square feet	To allow for larger project name sign and temporary project sign and to allow for other signage in the aggregate totaling more than eight square feet.
Section 8.103	Sign height shall not exceed four feet in height	To allow sign heights to be up to ten feet above grade or taller
Section 8.27*	Free standing or monument sign located within landscaped area at least 150% of sign size	To allow free standing sign or monument sign without any formal landscaping
Amherst Wetland Bylaw	Requirement	Waiver Requested
Section IV.G.3	30 foot no-work distance from resource area	To allow the construction of a stormwater management basin within 10 feet of a resource area

*Waivers requested during public hearings

The following design concepts were identified:

- Sustainability and accessibility: Energy efficient homes designed for individuals and families of all ages and abilities.
- Connected community: Create opportunities for community interaction and gathering by providing garden space, playground, common & Community Building.
- Preserve natural surroundings: Maintain connections to conservation trails and preserve wooded area within the development to the greatest extent possible.
- Neighborhood character: Create a neighborhood with character and variety in building types and forms.

The project includes the following energy efficient design features:

- 12 inch walls with R-40 insulation, R-60 attic insulation & R-20 slab insulation
- Centralized heating systems for each building with high efficiency gas boilers
- Low-flow water fixtures and dual flush toilets
- Windows that maximize the use of day light and the provision of energy efficient lighting fixtures
- Energy Star rated appliances

Mr. Simpson MOVED to continue the public hearing to March 24, 2011. Ms. Greenbaum seconded the motion and the Board VOTED unanimously to continue the public hearing to March 24, 2011.

Public Hearing: March 24, 2011 (continued from February 17, 2011)

The following comments were taken from Town Officials and members of the public:

- Stephanie O'Keefe, Chair of the Amherst Select Board, stated that the Select Board, at their March 7, 2011 meeting, adopted a formal statement of support for the Comprehensive Permit based on the critical need for affordable housing. She noted that it has been a goal of the Town to create affordable housing at this site for nearly 20 years with overwhelming community support, including several votes of Town Meeting.

- John Musante, Amherst Town Manager, stated that the Town has partnered with the applicant through a competitive bid process and noted that the Town is pleased with the proposal as it exceeds the minimum requirements set forth in the Request For Proposals. Some of the added items include units for even lower eligible incomes, incorporating more rigorous energy efficiency standards, and maximum allowed preference to Amherst residents and those employed in the Town.
- Nancy Gregg, Chair of the Housing Partnership/Fair Housing Committee, stated the Committee was a participant in the design process of the project and fully supports it.
- Pat Wagner, 362 South East Street, expressed concern with additional water coming onto her property which is to the east of the Project Site and separated by a railroad track. She noted that she has contacted the Department of Agriculture and the Natural Resource Conservation Service for additional review of the potential impact of the project on her property.

The following topics were reviewed and discussed:

Earth removal

- Attorney Goldrosen referred to the March 22, 2011 letter from the applicant and stated that "earth removal" and "surface water impoundments" are not principal uses subject to a Special Permit and therefore do not need to be included in the Comprehensive Permit.

Community Room

- Attorney Goldrosen stated that occasional use of the community room for public events would be an accessory use, and therefore not subject to a Special Permit nor a specific waiver within the Comprehensive Permit. Mr. Perkins noted that the building was designed for use by the residents of this development. It was noted that the funding sources used by the applicant will not allow any income to be generated from the rental of the community building.

Parking

- Attorney Bloomberg reviewed the parking data provided by HAP which indicate that the proposal provides for excess parking capacity onsite and can be used as a basis to waive the required 84 parking spaces and allow 75 parking spaces. He noted that because the units will be rental units they will be managed by the property manager. The property manager may allocate, control, or monitor the use of the excess parking capacity for the few events which members of the outside community will attend.

Wetlands

- Mr. Hogan stated that all attempts were made to comply with the local wetland bylaw. The only aspect that encroaches on the setback required by the Town Wetland Bylaw and thus requires a waiver under the Comprehensive Permit is the stormwater management basin.
- He noted the location of the basin is at the lowest spot on the site because the discharge must occur into a low area. No work proposed within regulated areas which is part of the criteria of the Wetlands Protection Act. The basin is designed with an emergency outflow pipe in the event of higher water levels. The Order of Conditions would also have requirements for siltation management, duration of construction, recording of the document at the registry of deeds, and the administrative duties of the applicant. The Town Engineer will provide the Conservation Commission with a fully detailed review of the stormwater management elements as well as a review by the DEP.

- Attorney Goldrosen stated other Comprehensive Permits have been reviewed by a Zoning Board of Appeals prior to review by a Conservation Commission. This happens because the applicant wants to know what the Board will find acceptable before significant money is invested in the complicated drainage design work required by the Conservation Commission. The applicant typically wants to ensure that they will have agreement on the number of units, amount of roadway and parking, etc. prior to going the Conservation Commission. In those cases the Comprehensive Permit has a condition that the applicant must obtain an order of conditions under the Wetland Protection Act. If the Order of Conditions results in any change to the design of the plan, the Applicant will have to return to the Zoning Board of Appeals to have the Comprehensive Permit amended.

Mr. Simpson MOVED to continue the public hearing to April 7, 2011. Ms. Greenbaum seconded the motion and the Board VOTED unanimously to continue the public hearing to April 7, 2011.

Public Hearing: April 7, 2011 (continued from March 24, 2011)

The following comments were taken from members of the public:

- Felicity Hardee, Station Road, spoke in favor of the application and stated that the project is located near existing public transportation, the University, and close to where residents may work.
- Robert Sahl, representing the abutting Sigma Phi Epsilon fraternity, 57 Olympia Drive, expressed concern that the project does not meet the requirements of the Zoning Bylaw. He cited concern about the potential impact on the neighborhood and the neighboring University administration building due to the large number of new residents on the property.
- Maureen Butler, representing Chi Omega sorority, 47 Olympia Drive, expressed concern about the security and safety of the 48 women who reside at the sorority, and that it may contribute to additional people cutting through their property to access the bus stop.

School enrollment

- Mr. Perkins stated that a formal study had not been done. However, an informal review of other projects indicates that one bedroom units generally had no children; a two bedroom unit might have one child and three bedroom units might have one to three children residing in them.
- Mr. Perkins stated that Valley CDC had reviewed its units and determined that there were no children in the one bedroom units; 0.83 children in the two bedroom units; and 1.86 children in the three bedroom units. Based on this information, he noted, 44% of the children were either under age 5 or over 18 and would not be in the local schools.
- Mr. Perkins stated that the 70% local preference could result in residents with children already enrolled in the Amherst schools. He concluded that they estimate approximately 14 children spread over a number of grades might be added to the school system.

Traffic study

- Mr. Hogan stated that the Traffic Impact and Access Study, dated October 2010, was prepared by Vanasse & Associates, Inc., and reviewed by the Town Engineer. The report concluded that the project-related traffic is not expected to result in a notable impact.
- The report also recommends that a stop sign be installed on the northbound approach of Olympia Drive at the intersection with Authority Way.

Handicapped accessible/visitable units

- Ms. Tierney stated that the project contains three units that are fully accessible with an accessible route provided to all 42 units in accordance with the AAB regulations.

- Ms. Tierney referred to the Disability Access Advisory letter, dated March 23, 2011 and explained that the term "visitability" is defined by the DAAC as a unit with one entry, one bath, kitchen and living space that are accessible to those in wheel chairs. She noted that visitability is not a requirement under the Massachusetts Architectural Access Board (AAB), but it is a feature they have included in several units within the project. In this proposal a total of 19 units, including the three fully accessible units, are adaptable and meet the definition of visitable units as per the DAAC. Eleven additional units would allow a mobility-impaired individual to visit the unit, but do not meet the DAAC definition as the only bathroom is on the second floor.

The remainder of the hearing was devoted to review and discussion of the draft conditions prepared by HAP, as outlined in the document dated April 7, 2011 (NOTE: Based upon this review and discussion, the contents of this draft were revised and amended for discussion at the next meeting).

Mr. Simpson MOVED to continue the public hearing to April 14, 2011. Ms. Ford seconded the motion and the Board VOTED unanimously to continue the public hearing to April 14, 2011.

Public Hearing: April 14, 2011 (continued from April 7, 2011)

Attorney Bloomberg discussed with the Board the draft conditions and findings prepared by HAP, as outlined in the document revised April 12, 2011. The discussion also included review of the document prepared by John Goldrosen of Kopelman and Paige, sample conditions, dated April 14, 2011. The purpose of the discussion was to identify the conditions of the permit as well as findings in support of a decision in order for the Board to vote on the application so the applicant could pursue the necessary funding for the project before the deadline. A subsequent public meeting will be scheduled to finalize the exact language of the conditions and findings.

Conceptual plans

- The Board members discussed which plans would be considered the approved plans. It was noted that the submitted plans, such as site plan, building elevations and landscape plan, are conceptual in nature. The other information, such as utilities, grading and drainage are closer to construction level drawings that may change during refinement from conceptual to actual construction drawings.
- The Board members determined that a final set of plans (i.e., final versions of the Preliminary Plans approved as part of this permit) shall be provided to the Board at a public meeting for record keeping purposes.
- Prior to submission to the Zoning Board of Appeals, the plans shall be reviewed by the Building Commissioner and Town Engineer for a determination that the plans meet the requirements of this permit and that any changes do not constitute substantial changes requiring a modification of this permit.

Local preference

- Mr. Perkins clarified that the term local preference refers to employees of the Town of Amherst, employees within the Town of Amherst, and Amherst residents. In response to questions from Ms. Greenbaum, the applicant stated that HAP was having difficulty determining a process for maintaining local preference, consistent with fair housing requirements after the initial rental of the units. He stated that HAP would attempt to provide local preference, whenever possible, up to the 70% local preference requested, subject to law and approval of the project's funders. However, the process is regulated by DHCD and must meet fair housing requirements. The applicant may not be allowed to deviate from those requirements.

- Ms. Williams noted that after the initial lease period, when there are open units, the selection of new tenants will be from a waiting list trying to achieve the 70% local preference. If that preference is already met or cannot be achieved, however, the units will be leased to others on the waiting list.

Parking/Trail

- The parking area for the Bozzo Trail is on Town-owned land. HAP is willing to cooperate with the Town in considering more formal parking. However, HAP should not be held responsible for ensuring where that parking occurs because HAP does not own the land.
- A minimum of eight parking spaces (seven standard spaces and one handicapped van accessible space) will be reserved and/or available for use of the Community Building. These spaces are depicted on the Preliminary Site Plan as being located on the south side of the Community Building.
- Attorney Goldrosen noted that a provision may need to be added to the ground lease agreement which notes that the town retains the right to have the trail through this Project Site, including maintenance of the trail and defining the scope of responsibility for each party.

Olympia Drive

- Based upon a request from Mr. Simpson, a lengthy discussion ensued regarding the improvements to Olympia Drive and whether a continuous sidewalk located on one side of the road is needed to prevent creation of unnecessary pedestrian road crossings. The Applicant noted that the road and sidewalk improvements are addressed in the existing Land Development Agreement. For the Zoning Board of Appeals to require such an improvement off of the Project Site, could have the consequence of rendering the project uneconomic.
- The Board members determined that such a condition would not be included in the Comprehensive Permit, but would instead express their position to the Select Board, who will ultimately be approving the roadway design.

Timeline for construction

- The Town will be completing a majority of the infrastructure work which the Land Development Agreement requires be completed before HAP begins construction on the project. The Board members discussed how to ensure that the final coat of paving will be completed. Mr. Perkins expressed concern about how this is assured and that it not negatively affect their ability to obtain Federal tax credits. He noted that the construction schedule currently considers four short construction phases to occur on a continuous basis.
- Attorney Goldrosen suggested that the Certificate of Occupancy for the last group of buildings be contingent upon installation of the final coat of blacktop on the roadway.

The applicant has requested an additional waiver from the provisions of Section 5.10 for filling and grading to fulfill the submitted plans and noted that a chain link fence around the detention basin may be required to ensure the safety of residents. The Board members determined that the waiver within the scope of the permit is acceptable and noted that the fence is acceptable for safety purposes. After the issue of Section 8.27 of the Zoning Bylaw was raised, the applicant also requested an additional waiver from the provisions of Section 8.27, in order to allow a free standing sign or monument sign without any formal landscaping.

Ms. Greenbaum MOVED to close the evidentiary portion of the public hearing. Mr. Simpson seconded the motion and the Board VOTED unanimously to close the public hearing.

Public Meeting:

The remainder of the meeting was utilized to by the Board members to begin discussing draft findings for accessory uses and potential conditions.

Findings:

In accordance with the requirements of Chapter 40B, the Zoning Board of Appeals hereby makes the following findings:

The project is consistent with *local needs* because:

1. According to the application filed with the Town Clerk on February 1, 2011:
 - a. The Applicant's Project was submitted in response to a Request for Proposals ("RFP") from the Town for the development and operation of approximately 42 affordable rental housing units on Town Property.
 - b. The Applicant was selected for the development of such rental housing on the Project Site by the Town through the RFP process.
 - c. The Applicant is a non-profit organization.
 - d. The Project is eligible for funding by a subsidizing agency under a low or moderate income housing subsidy program.
 - e. The Applicant controls the Project Site.
 - f. The Department of Housing and Community Development, the subsidizing agency, made a positive determination of Project Eligibility with respect to the Project and the Project Site.
2. According to the Housing Needs Assessment dated December 2010:
 - a. Amherst's rental vacancy rate is below 2%, compared to the national average of over 10%, and a Massachusetts vacancy rate of around 6%. A recent study of eight of the larger rental complexes in Amherst that are subsidized or lower-cost rental developments found that only four of the 1,252 total rental units were vacant, suggesting a 0.3% vacancy rate in that type of lower cost rental housing in Amherst.
 - b. The University of Massachusetts provides on-campus housing for only about 12,000 of its 27,500-student body. Consequently students place ongoing pressure on the Amherst rental housing market.
 - c. Approximately 1,000 non-elderly, non student renter households in Amherst would qualify under the planned tenant income restrictions for the housing in the Project and another 1,500 non-elderly, non-student households in the secondary market area around Amherst would also qualify.
3. According to the Amherst Housing Authority letter dated February 17, 2011:
 - a. Currently 920 applicant households are waiting for one of the 56 units of family housing managed by the Authority. An applicant applying today may wait from three to six years to rent a unit.
4. When the Amherst Housing Authority opened the wait list for the new Main Street affordable housing units in the fall of 2008, it received 171 applications for the 11 units during a two-week period. That wait list currently has 313 households.
5. According to the Select Board letter, dated March 24, 2011, Amherst has long identified affordable housing as a critical need and an expression of community values. Creating quality affordable housing on this Olympia Drive Project Site has been a goal for more than 20 years, affirmed and reaffirmed through multiple Town Meeting votes.

6. According to the Housing Partnership/Fair Housing Committee memorandum dated March 24, 2011:
 - a. The proposal provides that all units will be rented to households earning less than 60% of the Area Median Income (AMI). A typical 40B development only needs to set aside 20-25% of the units for households earning less than 80% of the AMI.
 - b. The mix of units targeted to varying income levels addresses the housing needs of the extremely low-, low-, and moderate-income households.
 - c. The management plan assures that the units will be marketed and rented to households that qualify for the varying income levels in conformance with state regulations and will ultimately be approved by the Department of Housing and Community Development (DHCD).
7. Due to the very low vacancy rate in rental housing units in Amherst, particularly for lower rent units, and the ongoing pressure on the local housing market by the many students in the area seeking off-campus housing, a continuing local and regional need for additional low and moderate income housing exists in the Town of Amherst.

The project is consistent with *local concerns*, as follows:

8. *Protecting and advancing the health and safety of the residents of the residents of the proposed housing by:*
 - a. Reserving a portion of the Project Site for resident gardening opportunities.
 - b. Providing sidewalk connections to the existing sidewalk on Olympia Drive promoting safe walking, including an accessible route to each unit in accordance with the AAB regulations.
 - c. Providing a total of 30 units that are accessible to the mobility-impaired, inclusive of three fully accessible units in accordance with AAB requirements, 19 units meeting the DAAC definition of visitable, and 11 units which can be accessed by the mobility-impaired.
 - d. Providing handicapped-accessible playground equipment.
 - e. Not adding any notable increase to area traffic.
 - f. Not creating an undue burden upon the Amherst Public Schools.
 - g. Addressing fire protection and other public safety concerns, provided that Condition #6 (a) through (d) is observed.
 - h. Providing for adequate municipal water and sewer service via connections to existing systems on Olympia Drive.
9. *Protecting the natural environment:*
 - a. The creation of highly energy-efficient and low-carbon footprint housing units for the Project.
 - b. The design and construction of the detention basin, and other aspects of the project, will be reviewed by the Town Engineer and subject to an Order of Conditions from the Amherst Conservation Commission.
 - c. The location of the Project adjacent to preserved open space and the Project's own preservation of approximately 7.2 acres of open space adjacent to the housing.
10. *Promoting better site and building design in relation to the surroundings and municipal and regional planning, and/or preserving open spaces:*
 - a. The creation of private spaces within the Project which are also connected to common spaces foster community.
 - b. The location of the Project abutting the region's largest employer and near other major employers.
 - c. The location of the Project Site close to bus stops and bike lanes.

- d. The proximity of the proposed housing to woodland walking trails and other recreational opportunities.
- e. The Project will not negatively affect the operations of the University of Massachusetts Admissions Office located just off of Olympia Drive.
- f. The Project is in keeping with other higher density residences and developments in the immediate vicinity, including a fraternity, a sorority and Village Park apartments.
- g. The project meets several objectives and strategies of the Town's Master Plan, summarized as follows:
 - i. Objective H.2 – Preserve and expand the number of affordable and moderately priced rental units and housing stock
 - ii. Strategy H.2.B – Create incentives to make it financially attractive for developers to build affordable and moderately priced units.
 - iii. Strategy H.2.I – Partner with the Amherst housing Authority, local community development corporations, non-profit agencies, and other groups to expand affordable housing in Amherst.
- h. As described in the Land Development Agreement, the Town is the owner of the Property and, if certain conditions are met, will enter into a Ground Lease with the Developer/Assignee (HAP Housing) which sets forth the terms under which Initial Improvements will be constructed and operated. The Town is committed to construct certain initial infrastructure improvements to the Property that will enable the development of affordable housing there. The improvements to be undertaken by the Town are identified in Section IV of the Land Development Agreement and specifically listed in Exhibit E thereof. Some of the improvements listed in Exhibit E include (but are not limited to) site work (earthwork and site preparation), storm drainage (erosion control, catch basins, ponds/rain gardens), landscaping, utilities (water service, sanitary sewer, utilities), and paving (base, binder and curbing).
- i. If the conditions of the Land Development Agreement for going forward with the Project are met, improvements to the principal access to the Project Site, via Olympia Drive, are to be completed by the Applicant.

Public Meeting – Zoning Board action

Mr. Simpson MOVED to grant a waiver from Section 3.322 of the Zoning Bylaw (Town House), to allow for the construction of townhouses where they are normally prohibited in the R-N Zoning District. Ms. Ford seconded the motion and the Board VOTED unanimously to grant the waiver.

Mr. Simpson MOVED to grant a waiver from Section 3.323 of the Zoning Bylaw (Apartments), to allow for the construction of apartments where they are normally prohibited in the R-N Zoning District. Ms. Greenbaum seconded the motion and the Board VOTED unanimously to grant the waiver.

Mr. Simpson MOVED to grant a waiver from Section 3.01 of the Zoning Bylaw, to allow for more than one (1) principal use and more than one dwelling on the Property. Ms. Greenbaum seconded the motion and the Board VOTED unanimously to grant the waiver.

Mr. Simpson MOVED to grant a waiver from Table 3 (Dimensional Regulations) to allow for the development of a parcel with no frontage on a street. Ms. Ford seconded the motion and the Board VOTED unanimously to grant the waiver.

Mr. Simpson MOVED to grant a waiver from Section 5.10 (Filling of Land), to allow for filling and/or removal of earth to the extent required to conform to the grading plan approved by the Town Engineer. Ms. Ford seconded the motion and the Board VOTED unanimously to grant the waiver.

Mr. Simpson MOVED to grant a waiver from Section 7.000 of the Zoning Bylaw, to allow the project to provide 75 parking spaces when 84 parking spaces are required. Ms. Ford seconded the motion and the Board VOTED unanimously to grant the waiver.

Mr. Simpson MOVED to grant a waiver from Section 7.110 of the Zoning Bylaw, to waive the requirement for 10% of the parking area to be landscaped. Ms. Greenbaum seconded the motion and the Board VOTED unanimously to grant the waiver.

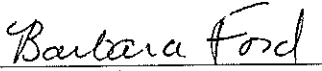
Mr. Simpson MOVED to grant a waiver from Section 8.100 and 8.103 of the Zoning Bylaw, to allow for signs larger, and taller than normally allowed in a residential zoning district. Ms. Greenbaum seconded the motion and the Board VOTED unanimously to grant the waiver.

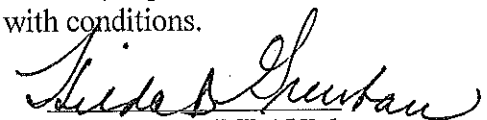
Mr. Simpson MOVED to grant a waiver from Section 8.27 of the Zoning Bylaw, to allow for a sign to be installed without formal landscaping. Ms. Ford seconded the motion and the Board VOTED unanimously to grant the waiver.

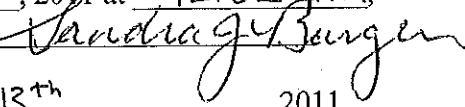
Mr. Simpson MOVED to grant a waiver from Section IV.G.3 of the Amherst Wetland Protection Bylaw, to allow for the construction of a stormwater management basin within ten feet of the wetland boundary. Ms. Ford seconded the motion and the Board VOTED unanimously to grant the waiver.

Ms. Greenbaum MOVED to approve a Comprehensive Permit, ZBA FY2011-00018, for the construction of a 42 unit, affordable rental housing development, consisting of multiple residential buildings, a community building and other site improvements including, but not limited to: a loop access driveway, parking, walkways, landscaping, lighting, and drainage under M.G.L. Chapter 40B (the "Project"), on a 27 +/- acre parcel at the end of Olympia Drive (Map 8D, Parcel 20, R-N Zoning District) (the "Property"), to HAP, Inc. (the "Applicant"), with conditions.


TOM SIMPSON


BARBARA FORD


HILDA GREENBAUM

FILED THIS 23rd day of June, 2011 at 12:02 pm,
in the office of the Amherst Town Clerk 

TWENTY-DAY APPEAL period expires, July 13th 2011.

NOTICE OF DECISION mailed this 23rd day of June, 2011
to the attached list of addresses by JEFFREY R. BAGG, for the Board.

NOTICE OF COMPREHENSIVE PERMIT filed this _____ day of _____, 2011,
in the Hampshire County Registry of Deeds.

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF COMPREHENSIVE PERMIT
Comprehensive Permit
(General Laws Chapter 40B)

Notice is hereby given that a Comprehensive Permit has been granted

To HAP Inc. (d/b/a HAP Housing)

Address 322 Main Street, Suite 1

City or Town Springfield, MA 01105-2403

Identify Land Affected: A 27 +/- acre parcel at the end of Olympia Drive (Map 8D,
Parcel 20, R-N Zoning District

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises

At the end of Olympia Drive (Map 8D, Parcel 20) Amherst
Street City or Town

The record of title standing in the name of

Town of Amherst

Name of Owner

Whose address is 4 Boltwood Avenue Amherst MA 01002
Street City or Town State Zip Code

By a deed duly recorded in the

Hampshire County Registry of Deeds: Book 3018 Page 309
or

Hampshire Registry District of the Land Court, Certificate No. _____

Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2011-00018

In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Thomas Burke Chairman
(Board of Appeals)
Barbara Ford Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____ m.

Received and entered with the Register of Deeds in the County of Hampshire

Book _____ Page _____

ATTEST _____

Register of Deeds
Notice to be recorded by Land Owner

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of HAP Inc. (d/b/a HAP Housing)

For A Comprehensive Permit, ZBA FY2011-00018, for the construction of a 42 unit, affordable rental housing development, consisting of multiple residential buildings, a community building and other site improvements including, but not limited to: a loop access driveway, parking, walkways, landscaping, lighting, and drainage under M.G.L. Chapter 40B (the "Project"), on a 27 +/- acre parcel at the end of Olympia Drive (Map 8D, Parcel 20, R-N Zoning District) (the "Property"), to HAP, Inc. (the "Applicant"), with conditions

On the premises At the end of Olympia Drive
At or on (Map 8D, Parcel 20) Amherst, MA

NOTICE of hearing as follows mailed (date) February 1, 2011
to attached list of addresses and published in the Daily Hampshire Gazette
dated February 2, 2011 and February 9, 2011

Hearing date and place 2/17/11 Town Room, 3/24/11 Town Room, 4/7/11, Town Room, 4/14/11 Large Activity Room

LEGAL NOTICE The Amherst Zoning Board of Appeals will meet on *Thursday, February 17, 2011* at 7:30 P.M. in the Pole Room of the Bangs Community Center to conduct the following business: PUBLIC HEARINGS: ZBA FY2011-00018 - Olympia Oaks c/o HAP, Inc. For a Comprehensive Permit (Chapter 40B) for the new construction of a 42 unit, affordable rental housing development, consisting of multiple residential buildings, a community building and other site improvements including, but not limited to: a loop road, parking, walkways, landscaping, lighting, and drainage under M.G.L. Chapter 40B, on a 27 +/- acre property at the end of Olympia Drive (Map 8D, Parcel 20, R-N Zoning District) CHAIR THOMAS SIMPSON AMHERST ZONING BOARD OF APPEALS February 2, 9 3169331

SITTING BOARD and VOTE TAKEN:

To **APPROVE** the request for Comprehensive Permit, ZBA FY2011-00018, for the construction of a 42 unit, affordable rental housing development, consisting of multiple residential buildings, a community building and other site improvements including, but not limited to: a loop access driveway, parking, walkways, landscaping, lighting, and drainage under M.G.L. Chapter 40B (the "Project"), on a 27 +/- acre parcel at the end of Olympia Drive (Map 8D, Parcel 20, R-N Zoning District) (the "Property"), to HAP, Inc. (the "Applicant"), with conditions

Tom Simpson – Yes Barbara Ford – Yes Hilda Greenbaum – Yes

DECISION: Application **APPROVED**, with conditions as stated in the decision

Town of Amherst Abutter List

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
8D-22	EAST PLEASANT ST	TOWN OF AMHERST		TOWN HALL	AMHERST, MA 01002
8D-20	EAST PLEASANT ST	TOWN OF AMHERST CONSERV COMM		TOWN HALL	AMHERST, MA 01002
8D-7	EAST PLEASANT ST	TOWN OF AMHERST CONSERV COMM		TOWN HALL	AMHERST, MA 01002
8D-21	497 EAST PLEASANT ST	RELATED VILLAGE PARK, LLC	C/O THE RELATED COMPANIES	423 WEST 65TH ST	NEW YORK, NY 10019
8D-3	506 EAST PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
9C-22	NORTH EAST ST	MITCHELL, BARBARA A	WAGNER, PATRICIA E	340 NORTH EAST ST	AMHERST, MA 01002
9C-21	NORTH EAST ST	MITCHELL, BARBARA A	WAGNER, PATRICIA E	340 NORTH EAST ST	AMHERST, MA 01002
12A-61	NORTH EAST ST	WAGNER, PATRICIA E	MITCHELL, BARBARA A	340 NORTH EAST ST	AMHERST, MA 01002
8C-13D	NORTH PLEASANT ST	COMMONWEALTH OF MASS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8C-13C	NORTH PLEASANT ST	COMMONWEALTH OF MASS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8D-16	OLYMPIA DR	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8D-19	37 OLYMPIA DR	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8D-18	47 OLYMPIA DR	IOTA BETA CHAP CHI OMEGA	C/O MAUREEN BUTLER	290 TURNPIKE RD, SUITE 6 BOX 3	WESTBOROUGH, MA 01581
8D-17	57 OLYMPIA DR	SIG EP HOUSING OF MASSACHUSETTS ALPHA LL	ATTN: KAREN HURBUTT	102 NORTH MAIN ST	FORTVILLE, IN 46040

Thursday, January 20, 2011

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/Zip</i>
12A-53	STRONG ST	MITCHELL, BARBARA A	WAGNER, PATRICIA E	340 NORTH EAST ST	AMHERST, MA 01002
12A-54	STRONG ST	TOWN OF AMHERST CONSERV COMM		TOWN HALL	AMHERST, MA 01002
9C-26	STRONG ST	TOWN OF AMHERST CONSERV COMM		TOWN HALL	AMHERST, MA 01002
9C-24	STRONG ST	TOWN OF AMHERST CONSERV COMM		TOWN HALL	AMHERST, MA 01002
12A-1	STRONG ST	WESTERN MASS ELECTRIC CO	PROPERTY TAX DEBT	P.O. BOX 270	HARTFORD, CT 06141
9C-23	STRONG ST	WESTERN MASS ELECTRIC CO	PROPERTY TAX DEPT	P.O. BOX 270	HARTFORD, CT 06141
11B-70	70 STRONG ST	AMHERST CEMETERY ASSOCIATION		70 STRONG ST	AMHERST, MA 01002
11B-70E	70 STRONG ST	AMHERST CEMETERY ASSOCIATION		70 STRONG ST	AMHERST, MA 01002